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12	LINITED STATES DISTRICT COURT	
	NORTHERN DISTRICT OF CALIFORNIA	
13 14	SAN ERANCISCO DIVISION	
	MONICA SANTANA individually and on Casa No. 23 CV 5147 EMC	
15	behalf of all others similarly situated,	) PLAINTIFFS RICHARD ROE AND
16	Plaintiff,	) JOHN Q. PUBLIC'S ADMINISTRATIVE ) MOTION TO CONSIDER WHETHER
17	vs.	) CASES SHOULD BE RELATED
18	23ANDME, INC.,	)
19	Defendant.	)
20		_)
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2986259.3 MOT. TO RELATE CASES

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Plaintiffs Richard Roe and John Q. Public ("Plaintiffs"), by and through their undersigned counsel, move, pursuant to Local Rule 3-12 of the United States District Court for the Northern District of California, for an order designating the case captioned *Roe et al. v. 23 and Me, Inc.*, Case No. 3:24-cv-02319 (N.D. Cal.) as related to *Santana v. 23 and Me, Inc.*, No. 23-cv-5147-EMC (N.D. Cal.).

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## PROCEDURAL BACKGROUND

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1. On April 11, 2024, the Judicial Panel on Multidistrict Litigation issued a Transfer Order pursuant to 28 U.S.C. § 1407 centralizing cases involving the data breach against Defendant 23andMe, Inc. to Judge Chen in the Northern District of California. MDL No. 3098, Dkt. 89 (J.P.M.L.) (Apr. 11, 2024). That order transferred thirty-one cases, including the above-captioned case, to Judge Chen.

- 2. Judge Chen has not yet authorized direct filing in the MDL, which is captioned *In* re: 23andMe, *Inc.*, Customer Data Security Breach Litigation, 3:24-md-3098-EMC (N.D. Cal.).
- 3. On April 18, 2024, Plaintiffs filed a class action complaint. *See Roe et al. v.* 23andMe, *Inc.*, Case No. 3:24-cv-02319 (N.D. Cal.).

## LEGAL STANDARD

Under Local Rule 3-12, "an action is related to another when: (1) [t]he action concerns substantially the same parties, property, transaction, or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." L.R. 3-12(a).

## **ARGUMENT**

Plaintiffs' action concerns the same parties, transactions, and events as the cases that have previously been transferred by the J.P.M.L. to Judge Chen. Each case names 23andMe, Inc. as a defendant. Likewise, each action arises out of the October 2023 data breach that 23andMe announced and is brought on behalf of 23andMe customers who had their personally identifiable information stolen in the data breach. Furthermore, Plaintiffs' action and the previously-filed actions seek to represent similar proposed classes. Accordingly, all of these actions would result in undue burden and work if conducted before different judges.

1		CONCLUSION
2	Plaintiffs Roe and Public r	respectfully request that their case be related to the above-
3	captioned action and assigned to the	e Honorable Edward M. Chen as part of the In re: 23andMe
4	Inc., Customer Data Security Bred	ach Litigation, 3:24-md-3098-EMC (N.D. Cal.) multidistric
5	litigation.	
6		
7	DATED: April 18, 2024	Respectfully submitted,
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2986259.3 -2- MOT. TO RELATE CASES

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